IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

Crl.Rev.Pet.No. 1145 of 2002()

CRA.139/1995 of SESSIONS COURT, MANJERI
CC.73/1995 of JUDL. MAGISTRATE OF FIRST CLASS, MALAPPURAM

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REVN. PETITIONER: APPELLANT/ACCUSED

NEDUMANIL VELAYUDHAN S/O. KOLAVAN,
VELLILA AMSOM DESOM, MALAPPURAM DISTRICT

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: RESPONDENT/COMPLAINANT AND STATE

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1. SUB INSPECTOR OF POLICE, MALAPPURAM

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 05/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.6090/2002 IN CRL.R.P.NO.1145/2002

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

05/11/2007

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K.R.UDAYABHANU, J.

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Crl. R.P.No.1145 of 2002-A

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Dated this the 5th day of November, 2007

O R D E R

The revision petitioner is the accused in C.C.No.73/1995 in the court of the Judicial Magistrate of the First Class, Malappuram, with respect to the offences under Sections 447 and 326 of the Indian Penal Code and stands convicted for the offence under Section 326 I.P.C only and sentenced as modified by the appellate court to undergo simple imprisonment for three months.

2. It is submitted that the revision petitioner/accused is 100% blind and that the incident was occasioned on account of the provocation by PW.1. It is the version of DW.1 the doctor that the revision petitioner is 100% blind and that he can see only upto a distance of 1 to 2 metres. DW.3 another doctor has stated that the revision petitioner is totally blind. Exts.D1 to D3 are the certificates and proceedings in this regard. PW.1 and revision petitioner are also relatives. In the circumstances and in view of the physical disability of the revision petitioner and also on account of the fact that about 12 years have elapsed since the commencement of the prosecution the sentence imposed for the offence under Section 326 I.P.C is modified to imprisonment till the rising of the court and to pay a fine of rupees five thousand and in default to undergo simple imprisonment for one

month. He shall appear before the Judicial Magistrate of the First Class, Malappuram, on 10/12/2007 to receive the sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl. R.P.No.1145 of 2002-A

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O R D E R

5th November, 2007